

107TH CONGRESS  
1ST SESSION

# S. 1102

To strengthen the rights of workers to associate, organize and strike, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 26, 2001

Mr. WELLSTONE introduced the following bill; which was read twice and  
referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To strengthen the rights of workers to associate, organize  
and strike, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Right to Organize Act  
5       of 2001”.

6       **SEC. 2. EMPLOYER AND LABOR ORGANIZATIONS PRESEN-**  
7       **TATIONS.**

8       Section 8(c) of the National Labor Relations Act (29  
9       U.S.C. 158(c)) is amended—

1           (1) by inserting “(1)” after the subsection des-  
 2           ignation; and

3           (2) by adding at the end the following new  
 4           paragraphs:

5           “(2) If an employer or employer representative ad-  
 6           dresses the employees on the employer’s premises or dur-  
 7           ing work hours on issues relating to representation by a  
 8           labor organization, the employees shall be assured, without  
 9           loss of time or pay, an equal opportunity to obtain, in an  
 10          equivalent manner, information concerning such issues  
 11          from such labor organization.

12          “(3) Subject to reasonable regulation by the Board,  
 13          labor organizations shall have—

14               “(A) access to areas in which employees work;

15               “(B) the right to use the employer’s bulletin  
 16          boards, mailboxes, and other communication media;  
 17          and

18               “(C) the right to use the employer’s facilities  
 19          for the purpose of meetings with respect to the exer-  
 20          cise of the rights guaranteed by this Act.”.

21   **SEC. 3. LABOR RELATIONS REMEDIES.**

22          (a) BOARD REMEDIES.—Section 10(c) of the Na-  
 23          tional Labor Relations Act (29 U.S.C. 160(c)) is amended  
 24          by inserting after the fourth sentence the following new  
 25          sentence: “If the Board finds that an employee was dis-

1 charged as a result of an unfair labor practice, the Board  
2 in such order shall (1) award back pay in an amount equal  
3 to 3 times the employee's wage rate at the time of the  
4 unfair labor practice and (2) notify such employee of such  
5 employee's right to sue for punitive damages and damages  
6 with respect to a wrongful discharge under section 303  
7 of the Labor Management Relations Act, 1947 (29 U.S.C.  
8 187), as amended by the Right to Organize Act of 2001.”.

9 (b) COURT REMEDIES.—Section 303 of the Labor  
10 Management Relations Act, 1947 (29 U.S.C. 187) is  
11 amended by adding at the end the following new sub-  
12 sections:

13 “(c) It shall be unlawful, for purposes of this section,  
14 for any employer to discharge an employee for exercising  
15 rights protected under the National Labor Relations Act.

16 “(d) An employee whose discharge is determined by  
17 the National Labor Relations Board under section 10(c)  
18 of the National Labor Relations Act to be as a result of  
19 an unfair labor practice under section 8 of such Act may  
20 file a civil action in any district court of the United States,  
21 without respect to the amount in controversy, to recover  
22 punitive damages or if actionable, in any State court to  
23 recover damages based on a wrongful discharge.”.

1 **SEC. 4. RECOGNITION OF SELECTED LABOR REPRESENTA-**  
 2 **TIVE.**

3 Section 9 of the National Labor Relations Act (29  
 4 U.S.C. 159) is amended by adding at the end the following  
 5 new subsection:

6 “(f) Not later than 14 days after the receipt of signed  
 7 union recognition cards, which designate an entity as the  
 8 employee’s labor organization, from 60 percent of the em-  
 9 ployees of the employer, the Board shall direct an expe-  
 10 dited election with respect to the selection of such entity  
 11 as the exclusive collective bargaining representative of  
 12 such employees. Such expedited election, as directed by the  
 13 Board, may not be delayed for any reason or purpose. The  
 14 Board shall promulgate regulations that implement rules  
 15 and procedures to address any challenges with respect to  
 16 the designation or selection of an exclusive collective bar-  
 17 gaining representative under this subsection, which may  
 18 be brought only after the expedited election.”.

19 **SEC. 5. INITIAL CONTRACT DISPUTES.**

20 Section 8 of the National Labor Relations Act (29  
 21 U.S.C. 158) is amended by adding at the end the following  
 22 new subsection:

23 “(h)(1) If, not later than 60 days after the certifi-  
 24 cation of a new representative of employees for the pur-  
 25 pose of collective bargaining, the employer of the employ-  
 26 ees and the representative have not reached a collective

1 bargaining agreement with respect to the terms and condi-  
2 tions of employment, the employer and the representative  
3 shall jointly select a mediator to mediate those issues on  
4 which the employer and the representative cannot agree.

5       “(2) If the employer and the representative are un-  
6 able to agree upon a mediator, either party may request  
7 the Federal Mediation and Conciliation Service to select  
8 a mediator and the Federal Mediation and Conciliation  
9 Service shall upon the request select a person to serve as  
10 mediator.

11       “(3) If, not later than 30 days after the date of the  
12 selection of a mediator under paragraph (1) or (2), the  
13 employer and the representative have not reached an  
14 agreement, the employer or the representative may trans-  
15 fer the matters remaining in controversy to the Federal  
16 Mediation and Conciliation Service for binding arbitra-  
17 tion.”.

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